

ASSEMBLY BILL

No. 646

Introduced by Assembly Member Wolk

February 21, 2007

An act to amend Section 2715.5 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as introduced, Wolk. Public resources: Cache Creek Resource Management Plan.

(1) The Surface Mining and Reclamation Act of 1975, governs surface mining operations and reclamation of mined lands, and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies to persons engaging in surface mining operations. Until December 31, 2008, a site specific plan in conjunction and consistent with the Cache Creek Resource Management Plan is to be considered a functional equivalent of a reclamation plan for purposes of the act. The board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented are required, until December 31, 2008, to prepare and forward to the Director of Conservation annually a report containing specified information relating to mining operations.

This bill would extend these provisions until December 31, 2012. By extending the duties of the board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2715.5 of the Public Resources Code is
2 amended to read:

3 2715.5. (a) The Cache Creek Resource Management Plan, in
4 conjunction with a site specific plan deemed consistent by the lead
5 agency with the Cache Creek Resource Management Plan, until
6 December 31, ~~2008~~ 2012, shall be considered to be a functional
7 equivalent of a reclamation plan for the purposes of this chapter.
8 No other reclamation plan shall be required to be reviewed and
9 approved for any excavation project subject to the Cache Creek
10 Resource Management Plan that is conducted in conformance with
11 an approved site specific plan that is consistent with the Cache
12 Creek Resource Management Plan, and the standards specified in
13 that plan governing erosion control, channel stabilization, habitat
14 restoration, flood control, or infrastructure maintenance, if that
15 plan is reviewed and approved by a lead agency pursuant to this
16 chapter.

17 (b) For purposes of this section, the board of supervisors of the
18 county in which the Cache Creek Resource Management Plan is
19 to be implemented shall prepare and file the annual report required
20 to be prepared pursuant to Section 2207.

21 (c) Nothing in this section precludes an enforcement action by
22 the board or the department brought pursuant to this chapter or
23 Section 2207 if the lead agency or the director determines that a
24 surface mining operator, acting under the authority of the Cache
25 Creek Resource Management Plan, is not in compliance with the
26 requirements of this chapter or Section 2207.

27 (d) "Site specific plan," for the purposes of this section, means
28 an individual project plan approved by the lead agency that is
29 consistent with the Cache Creek Resource Management Plan. Site
30 specific plans prepared in conformance with the Cache Creek
31 Resource Management Plan shall, at a minimum, include the
32 information required pursuant to subdivision (c) of Section 2772,
33 shall comply with the requirements of Article 9 (commencing with

1 Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title
2 14 of the California Code of Regulations, and shall be provided
3 along with a financial assurance estimate to the department for
4 review and comment pursuant to Section 2774. Notwithstanding
5 the number of days authorized by paragraph (1) of subdivision (d)
6 of Section 2774, the department shall review the site specific plan
7 and the financial assurance estimate and prepare any written
8 comments within 15 days from the date of receipt of the plan and
9 the estimate.

10 (e) Prior to engaging in an excavation activity in conformance
11 with the Cache Creek Resource Management Plan, a surface mining
12 operation shall be required to obtain financial assurances that meet
13 the requirements of Section 2773.1.

14 (f) This section shall not become operative until the date the
15 State Mining and Geology Board notifies the Secretary of State in
16 writing that the board has approved an ordinance adopted by the
17 Board of Supervisors for the County of Yolo that governs
18 in-channel noncommercial extraction activities carried out pursuant
19 to the Cache Creek Resources Management Plan.

20 (g) This section shall remain in effect only until December 31,
21 ~~2008~~ 2012, and as of that date is repealed, unless a later enacted
22 statute that is enacted before December 31, ~~2008~~ 2012, deletes or
23 extends that date.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 a local agency or school district has the authority to levy service
27 charges, fees, or assessments sufficient to pay for the program or
28 level of service mandated by this act, within the meaning of Section
29 17556 of the Government Code.